

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

UNITED STATES OF AMERICA

v.

ANNIE NICOLE RITENOUR

Defendant.

CASE No. 3:21-cr-00010

ORDER

JUDGE NORMAN K. MOON

Before the Court is Defendant's motions for continuance of trial date, Dkts. 40, 41.

Defendant requests that the Court continue the trial date to April 19-20, 2023. The Government does not object to the requested continuance.

The Speedy Trial Act (the "Act") "generally requires that a criminal trial begin within seventy days of the filing of an information or indictment or the defendant's initial appearance." 18 U.S.C. § 3161(c)(1). But "[t]o allow for necessary flexibility in scheduling, the Act provides that certain delays may be excluded from the seventy-day count, including delays where the district court finds 'that the ends of justice served by . . . granting . . . [a] continuance outweigh the best interests of the public and the defendant in a speedy trial.' *See United States v. Henry*, 538 F.3d 300, 303 (4th Cir. 2008) (quoting 18 U.S.C. § 3161(h)(7)(A)). The Court must set forth its reasons for finding that a continuance is warranted under the Act's exception. *Id.*

The Court finds that a continuance is warranted, considering the factors listed in 18 U.S.C. § 3161(h)(7)(B) of the Act, and for the reasons counsel has provided in its supplemental motion for continuance of trial date, Dkts. 41, 41-1. Section 3161(h)(7)(B)(iv) of the Act provides a court can consider "[w]hether the failure to grant such a continuance . . . would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for

effective preparation, taking into account the exercise of due diligence.” 18 U.S.C. § 3161(h)(7)(B)(iv). The Court finds these circumstances would so deny the time necessary for effective preparation, accounting for due diligence, if the Court did not grant a continuance.

In short, the Court finds that “the ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(7)(A).

For the foregoing reasons, Defendant’s motions, Dkts. 40, 41, are GRANTED, and the Court ORDERS that trial date be CONTINUED until April 19-20, 2023. The period between the previous and new trial dates will be excluded from the calculation of time under the Speedy Trial Act.

It is so ORDERED.

The Clerk of Court is directed to send this Order to all counsel of record.

Entered this 9th day of November, 2022.



NORMAN K. MOON
SENIOR UNITED STATES DISTRICT JUDGE